

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.278 of 2022

Mahendra Ram @ Mahendra Kumar Appellant
Versus
The State of Jharkhand through
Anti-Corruption Bureau Respondent

CORAM: HON'BLE MR. JUSTICE NAVNEET KUMAR

For the Appellant : Mr. R.S. Mazumdar, Sr. Advocate
For the State : Mr. Prabhu Dayal Agarwal, APP

3/30.11.2022 Heard the learned counsel for the appellant and learned Special P.P. for the State.

This appeal is directed against the Judgment of conviction dated 04.03.2022 and order of sentence dated 10.03.2022, passed by Special Judge, Vigilance (Anti-Corruption Bureau) Hazaribagh in Special Vigilance Case No.2 of 2016, whereby and where under, the sole appellant was convicted for the offence punishable under Section 7 and 13(2) of Prevention of Corruption Act and he was sentenced to undergo R.I. for a period of five years and to pay a fine of Rs.25,000/- for the offence punishable under Section 7 of Prevention of Corruption Act and further he was sentenced to undergo R.I. for a period of 8 years and to pay a fine of Rs.25,000.- for the offence punishable under Section 13(2) of Prevention of Corruption Act and in default of payment of fine, six months S.I. for each such default and it was further directed that both the sentences shall run concurrently.

It has been pointed out that this appeal has been admitted by this Court. It is further submitted that one I.A. No. 9568 of 2022 has been filed with a prayer to release the appellant on bail during the pending of this present appeal. It has been contended that the appellant was all along on bail during the course of trial and total custody period including the period of jail after conviction and during the period of trial, he has remained in jail for more than one year and two months. Further it has been pointed out that the impugned judgment of conviction and order of sentence is wholly non-application of judicial mind in view of the fact that complainant examined on behalf of the prosecution as PW - 5 and seizure list witnesses

PW – 3 and PW -4 have not supported the case of the prosecution and they have been declared hostile and there is no other legal evidence for the conviction of the accused appellant to substantiate the charges that the appellant was caught red handed with a sum of Rs.21,000/- for taking bribe in order to hand over the legal documents of the vehicle of the complainant to the DTO and in this view of the matter, the appellant deserves to be enlarged on bail during the pending of this appeal.

On the other hand learned Special P.P. Mr. P.D. Agarwal appearing on behalf of the State did not controvert the fact that the complainant PW – 5 and other two witnesses namely PW- 3 and PW – 4 have turned hostile and they have not supported the prosecution case.

Having taken into consideration the aforesaid pervasive submissions advanced on behalf of the appellant and under the facts and circumstances of this case, this appellant Mahendra Ram @ Mahendra Kumar is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the court of learned Special Judge, Vigilance (Anti-Corruption Bureau), Hazaribagh, in connection with Special Vigilance Case No.02 of 2015, subject to the conditions as laid down under Section 439 of Cr.P.C. and subject to the condition that the amount of fine awarded by the learned court below be deposited and submit the receipt of the same before the Court.

Accordingly the I.A. No.9568 of 2022 is allowed.

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Let the Original Lower Court records be called for from the court below concerned and put up this case after receipt of the same for hearing.

(Navneet Kumar, J.)